

REMARKS

Claims 1-10 have been examined, and claims 11 and 12 have been withdrawn from consideration. Of the examined claims, claims 1-3 and 10 have been rejected under 35 U.S.C. § 103(a), and the Examiner has indicated that claims 4-9 contain allowable subject matter.

I. Preliminary matters

A. Objection to the drawings

The Examiner seems to object to the drawings because Fig. 12A fails to show a reference point and a direction for the “fixed pitch” recited in claim 1. Applicants respectfully submit that the Examiner is misinterpreting the language of claim 1. Specifically, the Examiner seems to interpret claim 1 as stating that the fixed pitch is located in a first direction. However, claim 1 states that the plurality of recesses are arranged in a first direction and at the fixed pitch. Fig. 4 clearly shows an illustrative, non-limiting embodiment in which the recesses 33 are arranged in a first direction (*e.g.* a vertical direction) and are located at a first pitch. In addition, Fig. 12A shows that the recesses 33 have a width W and that the partition walls 28 between the recesses 33 have a width T. Therefore, Applicants submit that Figs. 4 and 12A show the recesses 33 arranged in a first direction at a fixed pitch and that amending the drawings is not necessary.

B. Objection to the claims

The Examiner has objected to claim 1 because the frame of reference in the phrase “a plurality of recesses arranged in a first direction at a fixed pitch” is unclear. Applicants respectfully submit that the limitation of the claim is clear. In particular, the claim requires the recesses to be formed in a first face of a chamber formation plate in a first direction and at a

fixed pitch. If the claim were amended to specify an exact direction or pitch, such amendment would simply narrow the claim instead of rendering it more definite. Therefore, Applicants respectfully request the Examiner to withdraw the objection.

II. Rejection under 35 U.S.C. § 103(a) over U.S.P. 6,719,410 to Shingai et al. (“Shingai”) and U.S.P. 3,895,942 to Morse (“Morse”)

Claims 1 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shingai and Morse. Applicants submit that the claims are patentable over the cited references.

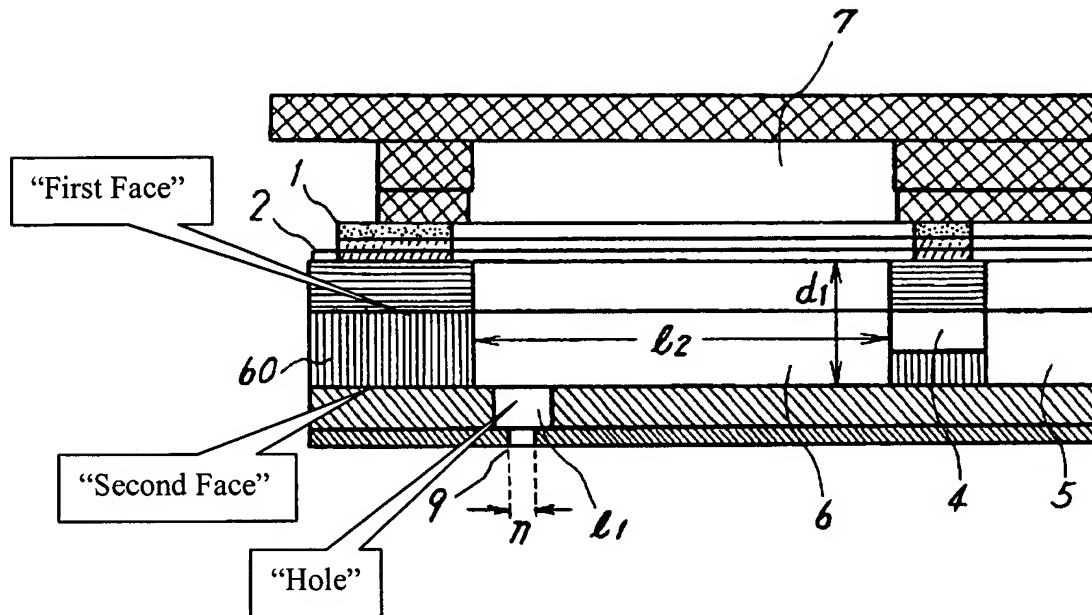
A. Claim 1

Claim 1 states that recesses are formed in a first face of a chamber formation plate and that the recesses form, in part, pressure generating chambers. Also, the claim states that each of the recesses communicates with a second face via a through hole, and a nozzle communicates with an associated pressure generating chamber via the through hole.

The Examiner contends that, in Figs. 4 and 9 of Shingai, the wall or layer 60 corresponds to the claimed chamber formation plate, the pressure chambers 6 correspond to the claimed recesses, and the ink supply channel 4 corresponds to the claimed through hole. Applicants respectfully disagree.

For example, as shown in Fig. 9 of the reference (an annotated version of which is reproduced below), the nozzle 9 does not communicate with a pressure chamber 6 via the channel 4, and thus, the channel 4 does not suggest the claimed through hole.

FIG. 9



Also, assume *arguendo* that the upper surface of the alleged plate 60 corresponds to the claimed “first face” and that the lower surface of the alleged plate 60 corresponds to the claimed “second face.” As shown in the figure, the alleged recesses 6 extend completely through the plate 60 from the “first face” to the “second face.” In such case, the alleged recesses 6 do not communicate with the “second face” via a through hole. Thus, Shingai does not teach the claimed recess that is formed in a first face of a plate and that communicates with a second face of the plate via a through hole.

B. Claim 10

Since claim 10 depends upon claim 1, Applicant submits that it is patentable at least by virtue of its dependency.

III. Rejection under 35 U.S.C. § 103(a) over Shingai, Morse, and U.S.P 5,754,205 to Miyata et al. (“Miyata”)

Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Shingai and Morse (as applied to claim 1) and further in view of Miyata. Since claims 2 and 3 depend upon claim 1 and since Miyata does not cure the deficient teachings of Shingai and Morse with respect to claim 1, Applicants submit that the claims are patentable at least by virtue of their dependency.

IV. Allowable subject matter

The Examiner has objected to claims 4-9 for being dependent upon rejected base claim 1 but acknowledges that they contain allowable subject matter. Since that the rejection of base claim 1 is overcome, Applicants submit that the objection to claims 4-9 is likewise overcome.

V. Newly added claims

Applicants have added new claims 13-24 to provide more varied protection for the invention. Since claim 13 recites features that are similar to the features discussed above in conjunction with claim 1, it is patentable for reasons that are similar to why claim 1 is patentable. Also, since claims 14-24 depend upon claim 1 or 13, Applicants submit that that they are patentable at least by virtue of their dependency.

VI. Conclusion

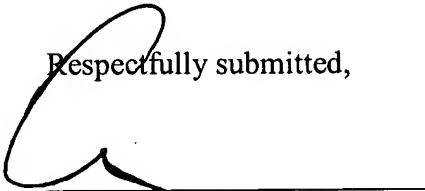
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/647,669

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Grant K. Rowan
Registration No. 41,278

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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